



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 29 2011

REPLY TO THE ATTENTION OF

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Steve Lewinsky  
Partner and Vice-President  
United Milwaukee Scrap, LLC  
3295 Townsend Street  
Milwaukee, Wisconsin 53216

Re: United Milwaukee Scrap, LLC  
Milwaukee, Wisconsin  
Administrative Consent Order EPA-5-11-113(a)-WI-01

Dear Mr. Lewinsky:

I have enclosed an Administrative Consent Order relating to United Milwaukee Scrap's compliance with Section 112 of the Clean Air Act, 42 U.S.C. § 7412.

Please direct any questions regarding this case to Greg Gehrig (312)-886-4434 of my staff. Any legal questions should be directed to Stuart Hersh, Associate Regional Counsel, at 312-886-6235.

Sincerely,

A handwritten signature in cursive script that reads "Sara Breneman".

Sara Breneman  
Chief  
Air Enforcement and Compliance Assurance (MI/WI)

Enclosure

cc: Daniel Schramm  
Air Management Supervisor  
Wisconsin Department of Natural Resources  
Bureau of Air Management  
2300 N. Martin Luther King Jr. Dr.  
Milwaukee, WI 53212

Bill Baumann  
Chief – Compliance and Enforcement Section  
Wisconsin Department of Natural Resources  
Bureau of Air Management  
101 S. Webster St.  
PO Box 7921 (AM/7)  
Madison, WI 53702

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-11-113(a)-WI-01</b>
	)	
<b>United Milwaukee Scrap, LLC</b>	)	<b>Proceeding Under Section § 113 (a)(1) and</b>
<b>3295 Townsend Street</b>	)	<b>114(a)(1) of the Clean Air Act</b>
<b>Milwaukee, Wisconsin</b>	)	<b>42 U.S.C. §§ 7413 (a)(1) and 7414(a)(1)</b>
	)	
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**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to United Milwaukee Scrap, LLC (UMS) under Sections 113(a)(1) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413 (a)(1) and 7414(a)(1).

**Statutory and Regulatory Background**

2. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the Act, 42 U.S.C. § 7410.

3. On February 4, 2008, EPA approved Wisconsin Administrative Code (WAC) NR 406.03 as part of the federally enforceable State Implementation Plan (SIP) for Wisconsin. 73 Fed. Reg. 12893, published on March 11, 2008.

4. WAC NR 406.03 requires that all air contaminant sources apply for a construction permit unless otherwise exempt.

5. Under Section 113(a)(1) of the Act, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a

SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

6. The Administrator of EPA may require any person who owns or operates an emission source to provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

#### **Findings**

7. UMS owns and operates a scrap ferrous and non-ferrous material shredder at 3295 West Townsend Street, Milwaukee, Wisconsin.

8. This scrap material shredder at UMS is an air contaminant source of particulate matter (PM). UMS is subject to the SIP for PM emissions in excess of the exempted emissions rate of 5.7 pounds per hour (lb/hr) listed in NR 406.04 (2)(c).

9. UMS is in violation of the SIP provision WAC NR 406.03 for failure to apply for a construction permit.

10. On December 14, 2010, EPA issued to UMS an Order pursuant to the Clean Air Act Section 114(a)(1), 42 U.S.C. § 7414 (a)(1) (114 Order) for information.

11. Representatives of UMS and EPA discussed the 114 Order in several conference calls and phone conversations.

12. Information provided in compliance with this Order shall be deemed as satisfying the December 14, 2010, 114 Order information request.

### **Compliance Program**

13. Within 30 days of the effective date of this Order, UMS must submit a permit application pursuant to WAC NR 406.03 for its 3295 West Townsend Street, Milwaukee, Wisconsin facility, and thereafter must maintain compliance with the SIP at this facility.

14. UMS must also send a complete copy of this permit application required by this Order to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

### **General Provisions**

15. This Order does not affect UMS's responsibility to comply with other federal, state and local laws.

16. This Order does not restrict EPA's authority to enforce the Wisconsin SIP, WAC NR 406.03 or any other section of the Act.

17. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for UMS's violation of the SIP.

18. Failure to comply with this Order may subject UMS to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

19. The terms of this Order are binding on UMS, its assignees and successors. UMS must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

20. UMS may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a

business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If UMS fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

21. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on CD or thumb drive. If not possible, provide your response to this Order without staples; paper clips and binder clips, however, are acceptable.

22. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

23. UMS agrees to the terms of this Order.

24. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that UMS has complied with all terms of the Order throughout its duration.

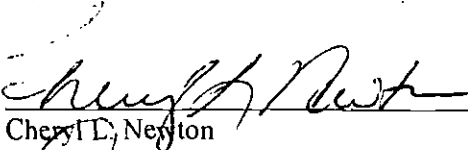
25. Each party agrees to pay its own costs and attorneys' fees in this action.

26. Without admitting or denying any factual or legal finding, and for the purpose of resolving disputed claims, UMS agrees to the terms of this Order and agrees to not challenge this Order.

9-27-11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Steve Lewinsky, Partner and Vice-President  
United Milwaukee Scrap, LLC

9/29/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Cheryl L. Newton  
Director, Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Tracy Jamison, certify that I sent the Administrative Consent Order, EPA Order No.  
EPA-5-11-113(a)-WI-01, by certified mail, return receipt requested, to:

Mr. Steve Lewinsky  
Partner and Vice-President  
United Milwaukee Scrap  
3295 West Townsend Street  
Milwaukee, Wisconsin 53216

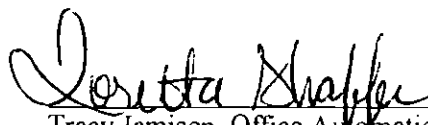
I also certify that I sent a copy of the Administrative Consent Order, EPA Order No.

EPA-5-11-113(a)-WI-01, by first-class mail to:

Daniel Schramm  
Acting Director  
Bureau of Air Management  
Wisconsin Department of Natural Resources  
2300 N. Martin Luther King Jr. Dr.  
Milwaukee, WI 53212

Bill Baumann  
Chief, Compliance and Enforcement Section  
Wisconsin Department of Natural Resources  
Bureau of Air Management  
101 S. Webster St., PO Box 7921 (AM/7)  
Madison, WI 53702

On the 30 day of September 2011.



Tracy Jamison, Office Automation Assistant  
AECAB, Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 70091680 0000 7673 8606